

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 20-1976V

UNPUBLISHED

SCOTT SOUTHERLAND,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: January 7, 2021

Voluntary dismissal; Order
concluding proceedings; Duplicate
petition

ORDER CONCLUDING PROCEEDINGS¹

On December 28, 2020, Scott Southerland filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa—10 through 34.,² (the “Vaccine Act”). Petitioner alleged that he suffered an adverse reaction to an influenza vaccination he received on November 17, 2018. Petition at 2. Prior to filing this petition, Petitioner had filed an earlier petition (case no. 20-1972V) alleging an adverse reaction to the same vaccination.

On December 30, 2020, Petitioner filed a notice of voluntary dismissal noting that this case was inadvertently filed and was in fact a duplicate of his earlier case, 20-1972V.

The Vaccine Act permits “[o]nly one petition may be filed with respect to each administration of a vaccine.” 42 U.S.C. § 300aa—11(b)(2); Vaccine Rule 2(a) (implementing the statute). In light of Petitioner’s “notice of dismissal at any time before service of respondent’s report” pursuant to Vaccine Rule 21(a), **this case is dismissed without prejudice.**

¹ Although I have not formally designated this Decision for publication, I am required to post it on the United States Court of Federal Claims’ website because it contains a reasoned explanation for the action in this case, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master